IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.157 OF 2005
IN
SUIT NO.768 OF 1983

Dr.Dineshkumar Biharilal Bhatt. ..Plaintiff.

V/s.

Dr.Jay Dayal Shital & Ors. ..Defendants.

Mr.Vipul Shukla for Plaintiff.

Mr. Mudnanay for defendant No.3.

Mr.S.S.Jinsiwala for defendant No.2 and respondents.

CORAM: A.M.KHANWILKAR,J

DATE : AUGUST 22, 2005.

P.C. :

1. Heard counsel for the parties. Perused the pleadings.

2. As estate of the deceased defendant No.1 is already represented, in view of presence of his widow defendant No.2, the question of abatement of the suit does not arise. In the circumstances, in the interest of justice, chamber summons is made absolute in terms of prayer clause (a), (a-1), (b) and (c), on condition that plaintiff to pay costs to defendant No.2 quantified at Rs.500/-. Amendment to be carried out within four weeks.

3. It will be open to the newly added defendant, in view of this order, to file appropriate pleadings in the suit, as may be advised and permissible by law.